

Court of Appeals, State of Michigan

ORDER

Gary Bengston v Delta County

Docket No. 250556

LC No. 02-016459-CE

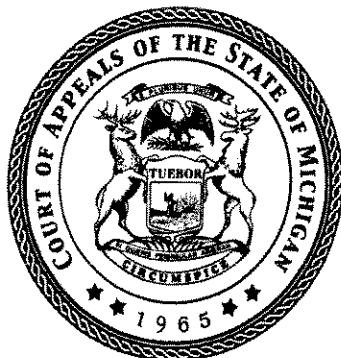
Christopher M. Murray
Presiding Judge

Peter D. O'Connell

Pat M. Donofrio
Judges

The Court orders that the motion for reconsideration is DENIED.

Murray, P.J., dissenting. I would GRANT the motion for reconsideration on the basis that the issue is moot. Both parties, but in particular plaintiff, failed to disclose that prior to oral argument before this Court, the property at issue had been rezoned by defendant and plaintiff had sold his interest in the property. Our opinion, therefore, can offer no relief to plaintiff on the issues raised in this appeal. *City of Warren v Detroit*, 261 Mich App 165, n 1; 680 NW2d 57 (2004). Additionally, the parties should have immediately informed counsel about these significant events. During oral argument the issue of mootness was raised by the Court, yet counsel had no definitive answers as to the status of the property or rezoning. Such conduct by the parties does nothing to assist the Court in ensuring the efficient administration of justice.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

JUL 19 2005

Date

Sandra Schultz Mengel
Chief Clerk